

ORIGINAL
FILE

PEPPER & CORAZZINI

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARRIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI *
JENNIFER L. RICHTER *
* NOT ADMITTED IN D.C.

ATTORNEYS AT LAW
200 MONTGOMERY BUILDING
1776 K STREET, NORTHWEST
WASHINGTON, D. C. 20006
(202) 296-0600

ROBERT LEWIS THOMPSON
GREGG P. SKALL
E-THEODORE MALLYCK
OF COUNSEL
FREDERICK W. FORD
1909-1986
TELECOPIER (202) 296-5572

RECEIVED

DEC 30 1992

December 30, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Petition for Rule Making to Amend Section 73.202(b),
FM Table of Allotments
Spokane, Washington**


Dear Ms. Searcy:

Transmitted herewith on behalf of Melinda Boucher Read, permittee of new FM station KSPQ, Channel 245A, Spokane, Washington, are an original and five copies of her Petition For Rule Making to amend the FM Table of Allotments to substitute Channel 245C3 for Channel 245A at Spokane, Washington, and to modify her construction permit for KSPQ to specify the higher class channel.

This petition is respectfully directed to the Chief, Policy and Rules Division, Mass Media Bureau.

Please direct any questions or correspondence in connection with this matter directly to this office.

Very truly yours,


Ellen S. Mandell
Attorney for Melinda Boucher Read

Enclosure

No. of Copies rec'd 0+5
LIST A B C D E

RECEIVED

In the Matter of)
)
Amendment of Section 73.202(b)) RM No. _____
Table of Allotments)
FM Broadcast Stations)
(Spokane, Washington))

DEC 30 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING

Melinda Boucher Read, permittee of new FM station KSPQ, Channel 245A, Spokane, Washington, by her attorneys and pursuant to Sections 1.401(a) and 1.420(g)(3) of the Commission's Rules, respectfully submits her Petition for Rule Making to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to substitute Channel 245C3 for Channel 245A at Spokane, Washington. Ms. Read also requests modification of her construction permit for KSPQ (FCC File No. BPH-890123MM) to specify the higher class channel.

In support hereof, the following is shown:

1. Ms. Read is the permittee of new FM station KSP0, Channel 245A, Spokane, Washington. By letter dated August 7, 1992 (Ref. 1800B3-DEB), the Mass Media Bureau's FM Branch granted Ms. Read's request for authority to construct KSP0 at its authorized site and height with maximum Class A facilities pursuant to MM Docket No. 88-375, and increased the authorized ERP of KSP0 to the equivalent of 6 kW.

2. By the instant petition, Ms. Read seeks an amendment of the FM Table of Allotments to specify Channel 245C3 in lieu of Channel 245A at Spokane, using as reference coordinates her

presently authorized site (47-41-39 N.Lat.; 117-20-03 W.Long.), and modification of the KSP0 authorization to the higher class channel. Grant of Ms. Read's request will serve the public interest by promoting a more efficient use of spectrum and will provide for a "fair, efficient and equitable distribution of radio service." Section 307(b) of the Communications Act of 1934, as amended.

3. The Technical Exhibit attached hereto shows that the proposed allocation meets the minimum distance separation requirements of Section 73.207 with respect to all domestic allotments.

4. KSP0 is located within the Canadian border area. Although the Technical Exhibit attached hereto shows that the proposed allotment of Channel 245C3 would be short-spaced to the vacant Canadian allotment for Channel 245A at Salmo, BC, based on the Bureau's aforementioned August 7, 1992 letter it appears that the Canadian government previously concurred in the allotment of Channel 245 at Spokane as a Canadian Class B1 station, which under Rule Section 73.210(b) is equivalent to the Class C3 station requested herein.

5. The procedure for determining the Canadian classes of stations equivalent to our domestic station classes for purposes of applying the U.S.-Canada Bi-Lateral Agreement is set forth of Section 73.207(b)(2) of the Commission's rules. Under that rule, domestic Class A facilities in the Canadian border zone facilities are limited to 3 kW at 100 meters, whereas domestically the

Class A limits are 6 kW at 100 meters. Thus, before the Commission will authorize maximum Class A domestic facilities (equivalent to 6 kW at 100 meters) in the Canadian border zone, it is the Commission's policy to first obtain the concurrence of Canada to modify the Bi-Lateral Table to change the allotment to a Canadian Class B1 station. Amendment of Part 73 of the Rules to provide for an additional FM station class (Class C3) and to increase the maximum transmitting power for Class A FM stations, 6 FCC Rcd 3417, 3423 (1991). By its August 7, 1992 letter, the Commission advised Ms. Read that

On July 15, 1992 the Canadian government indicated to the Commission that it had no objection to KSPO operating as proposed.

In view of the Commission's policy to obtain Canadian concurrence for a Class B1 Canadian station for domestic border zone stations at the equivalent of 6 kW at 100 meters, it would therefore appear from the authorization of KSPO at the equivalent of 6 kW at 100 meters that the U.S.-Canadian Bi-Lateral Table has already been modified to show Channel 245 at Spokane as a Class B1 Canadian channel (which is the equivalent of a domestic facility on Channel 245C3).

6. In the event that Canadian concurrence for Channel 245 at Spokane as a Class B1 Canadian station has not yet been obtained, we respectfully request that the Commission seek Canadian concurrence for the instant proposal, in accordance with Section 3.5 of the U.S.-Canada working arrangement allowing the Commission to negotiate Canadian clearance for proposed assignments

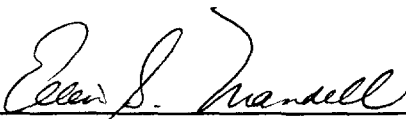
which are otherwise short-spaced to Canadian stations. Mountain Media, Inc., 6 FCC Rcd. 410 (1991). See also South Burlington, Vermont, 6 FCC Rcd 7111 (1991).

7. If the proposed substitution is adopted, Ms. Read will promptly file an application to modify the KSPO construction permit and will expeditiously construct the station, as modified.

WHEREFORE, the premises considered, Ms. Read respectfully requests that the Commission issue a Notice of Proposed Rule Making which proposes the channel substitution outlined herein and modification of Ms. Read's construction permit to specify the higher class channel.

Respectfully submitted,

MELINDA BOUCHER READ

By 
Ellen S. Mandell
Her Attorney

Pepper & Corazzini
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006
(202) 296-0600

December 30, 1992

FM Spacing study

Title: KSPO-FM C3
Channel 245C3 (96.9 MHz)
Database: DW 12/22/92

Latitude: 47-41-39
Longitude: 117-20-03
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KQVN	CP	NW CHICANO RADIO NTWK, I	242C3	.80	46-48-25	240.3	194.8	43
ROYAL CITY		WA BPED-920305MK	96.3	505	119-33-12	58.7	151.8	CLEAR
CP Granted 10/15/92 per FCC release #21497 dated 10/28/92; EDUCATIONAL OPERATI ON; Call Granted 12/03/92 per FCC release #196 dated 12/04/92								
KOZE-FM LIC	4-K	RADIO INCORPORATED	243C1	25.1	46-27-48	169.4	139.2	76
LEWISTON		ID BLH-901128KC	96.5	226	117-00-01	349.7	63.16	CLEAR
License Granted 09/04/91 per FCC release #21203 dated 09/10/91; Affiliated wit h KOZE(AM)								
NEW	CP		244A	.04	49-05-29	329.2	181.8	113
GREENWOOD		BC	96.7	575	118-36-36	148.3	68.84	CLEAR
KSPO	CP	MELINDA BOUCHER READ	245A	1.15	47-41-39	.0		142
SPOKANE		WA BPH-890123MM	96.9	163	117-20-03	.0	-142	SHORT
Call Granted 12/13/91 per FCC release #173 dated 12/20/91								
ALLOC			245A		49-11-50	1.2	167.2	180
SALMO		BC	96.9		117-17-04	181.3	-12.8	SHORT
KNSN	LIC	STL, INC.	246C	50	45-59-04	198.8	200.4	176
WALLA WALLA		WA	97.1	408	118-10-08	18.2	24.45	CLEAR
Was KAFR-FM 08/03/89								
KZQB	CP	DAVENPORT RADIO PARTNERS	247A	3	47-39-12	266.1	61.50	42
DAVENPORT		WA BPH-890206MB	97.3	22	118-09-03	85.5	19.50	CLEAR
CP Granted 08/12/91 per FCC release #21188 dated 08/20/91; Call Granted 10/04/ 91 per FCC release #168 dated 10/04/91								
PRM		DISMISSED 10/23/85	248A		46-43-40	174.8	107.9	42
PULLMAN		WA DOC-83-97	97.5		117-12-20	354.9	65.88	CLEAR
ALLOC			298A		49-27-30	32.0	233.1	16
CRANBROOK		BC	107.5		115-37-45	213.2	217.1	CLEAR
ALLOC			299A		49-19-00	352.4	182.1	16
CASTLEGAR		BC	107.7		117-40-00	172.1	166.1	CLEAR

>> End of channel 245C3 study <<

FM Spacing study

Title: KSPO-FM C3
Channel 245C3 (96.9 MHz)
Database: FCC 11/24/92

Latitude: 47-41-39
Longitude: 117-20-03
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
ALLOC			242C3		46-54-04	243.8	194.7	43
Royal City	WA		96.3		119-37-46	62.2	151.7	CLEAR
Filing window 12/16-01/15/92 **CLOSED**								
ALLOC			243C1		46-27-48	169.4	139.2	76
Lewiston	ID		96.5		117-00-01	349.7	63.16	CLEAR
NEW			244A	.04	49-05-29	329.2	181.8	113
Greenwood	BC		96.7	575	118-36-36	148.3	68.84	CLEAR
KSPO	CP	Melinda Boucher Read	245A	1.15	47-41-39	.0		142
Spokane	WA	BPH-890123MM	96.9	163	117-20-03	.0	-142	SHORT
DOC-90-637								
ALLOC			245A		47-40-18	244.8	5.877	142
Spokane	WA	DOC-87-443	96.9		117-24-18	64.7	-136	SHORT
Filing window 12/23-01/23/89 **CLOSED**								
ALLOC			245A		49-11-50	1.2	167.2	180
Salmo	BC		96.9		117-17-04	181.3	-12.8	SHORT
KNSN	LIC	STL, Inc.	246C	50	45-59-04	198.8	200.4	176
Walla Walla	WA	BLH-7497	97.1	408	118-10-08	18.2	24.45	CLEAR
KNSN	CP	STL, Inc.	246C	65	45-59-04	198.8	200.4	176
Walla Walla	WA	BPH-861201IB	97.1	408	118-10-08	18.2	24.45	CLEAR
ALLOC			246C		45-59-04	198.8	200.4	176
Walla Walla	WA		97.1		118-10-08	18.2	24.45	CLEAR
KZQB	CP	Davenport Radio Partners	247A	3	47-39-12	266.1	61.50	42
Davenport	WA	BPH-890206MB	97.3	22	118-09-03	85.5	19.50	CLEAR
ALLOC			247A		47-39-06	265.9	61.57	42
Davenport	WA		97.3		118-09-06	85.3	19.57	CLEAR
ALLOC			248C2		47-28-40	102.2	109.8	56
Wallace	ID	DOC-91-114	97.5		115-54-38	283.2	53.76	CLEAR
ALLOC			298A		49-27-30	32.0	233.1	16
Cranbrook	BC		107.5		115-37-45	213.2	217.1	CLEAR
ALLOC			299A		49-19-00	352.4	182.1	16
Castlegar	BC		107.7		117-40-00	172.1	166.1	CLEAR

>> End of channel 245C3 study <<